

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - E/S of Hanover Pike, 1080' S of Fringer Road (15513 Hanover Pike) 4th Election District 3rd Councilmanic District

* BEFORE THE * DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY * Case No. 92-201-SPHA

Lippy Brothers, Inc. Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve amendments to the previously approved special exception in Case No. 86-300-XA to permit the sale of citrus fruit, local and non-local produce year round, to permit additional exterior display areas in front of the front building setback line and behind the existing right-of-way line, to permit an existing greenhouse to remain in its present location which requires a variance, to permit an existing freestanding sign of 46.72 sq.ft. total in lieu of the 30 sq.ft. granted in the prior case, to permit complimentary farm sleigh/hay rides on the subject property, and to amend the previously approved site plan accordingly. Petitioners also request variances from Section 1A01.3B.3 to permit a centerline setback of 68 feet in lieu of the required 75 feet for an existing greenhouse and from Section 413.1C to permit an existing freestanding sign of 46.72 sq.ft. total in lieu of the permitted 30 sq.ft. sign, all as more particularly described on Petitioner's Exhibit 1.

The Petitioners, by Stanley Dabkowski, t/a Spring Meadow Farms, Contract Lessee, appeared, testified and was represented by J. Neil Lanzi, Esquire. Also appearing on behalf of the Petitioners was Leonard T. Bohager, Registered Professional Land Surveyor with Hicks Engineering Company, Inc. There were no Protestants.

Testimony indicated that the subject property, known as 15513 Hanover Pike, consists of 8.797 acres more or less zoned R.C. 2 and is improved with a 2240 sq.ft. building used by Spring Meadow Farms as a farmer's roadside market. Said property was the subject matter of previous Case No. 86-300-XA in which Petitioners were granted a special exception and variances for the subject farmers co-op stand. Testimony indicated that due to growing business demands, Petitioners have expanded the use to include the addition of a greenhouse adjacent to the market building, a temporary pumpkin patch display area, gazebos and petting zoo in accordance with that depicted on Petitioner's Exhibit 1. Petitioners filed the instant Petitions to legalize existing as well as proposed improvements and to amend the special exception and site plan previously approved in Case No. 86-300-XA accordingly. In support of their request, Petitioners submitted letters from Patricia Campbell, President of the Hanover Road Association, Inc., Harry L. Shay, who resides directly across from the subject site, and David W. Fry, Principal of the Deer Park Elementary School, indicating they have no objections to the improvements made and that they appreciate the contributions Petitioners have made to the community. Petitioners presented photographs depicting the improvements on the property marked Petitioner's Exhibits 2-A through 2-O. Testimony indicated the variances requested are for existing improvements and will not result in any detriment to the health, safety or general welfare of the surrounding community.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks

relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it appears the variances requested should be granted. While it is clear that Deputy Zoning Commissioner Jean Jung's Order limited the subject sign to 30 sq.ft. in size, I am persuaded to grant Petitioners' request. The evidence presented indicates the existing sign is not objectionable in size or appearance to Petitioners' neighbors and has not adversely affected the surrounding community. In addition, the variance requested for the existing greenhouse is minimal and will not result in any detriment to the public health, safety or general welfare. In the opinion of this Deputy Zoning Commissioner, the relief requested meets the requirements of Section 307 of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing and variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of December, 1991 that the Petition for Special Hearing to approve amendments to the previously approved special exception in Case No. 86-300-XA to permit the sale of citrus fruit, local and non-local produce year round, to permit additional exterior display areas in front of the front building setback line and behind the existing right-of-way line, to permit an existing greenhouse to remain in its present location, to permit an existing freestanding sign of 46.72 sq.ft. total in lieu of the 30 sq.ft. granted in the prior case, to permit complimentary farm sleigh/hay rides on the subject property, and to amend the previously approved site plan, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variances from Section 1A01.3B.3 to permit a centerline setback of 68 feet in lieu of the required 75 feet for an existing greenhouse and from Section 413.1C to permit an existing freestanding sign of 46.72 sq.ft. total in lieu of the permitted 30 sq.ft. sign, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) All storage crates utilized by the Petitioners shall be stored off-site when not in use.

- 3) The forklift utilized by the Petitioners shall be stored inside when not in use.

TMK:bjs

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

December 20, 1991

J. Neil Lanzi, Esquire
25 W. Chesapeake Avenue, Suite 204
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE
E/S Hanover Pike, 1080' S of the c/l of Fringer Road
(15513 Hanover Pike)
4th Election District - 3rd Councilmanic District
Lippy Brothers, Inc. - Petitioners
Case No. 92-201-SPHA

Dear Mr. Lanzi:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Zoning Variance, as modified, have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel
file

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County **92-201-SPHA**

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 5007 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

SEE ATTACHMENT A

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

STANLEY DABKOWSKI t/a SPRING MEADOW FARMS

(Type or Print Name)

Signature

15513 HANOVER PIKE

Address

UPPERCO, MARYLAND 21155

City and State

Attorney for Petitioner:

J. NEIL LANZI, SEILAND & JEDNORSKI c/o Donald E. Lippy

(Type or Print Name) Address 334 Lees Mill Road

Signature Hampstead, Maryland 21074

City and State

25 W. Chesapeake Ave., Ste. 204 Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Towson, Maryland 21204 STAN DABKOWSKI

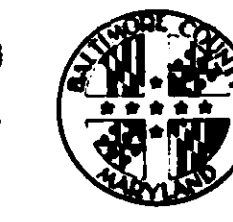
City and State c/o SPRING MEADOW FARMS

Attorney's Telephone No.: 321-8200 15513 Hanover Pike

Upperco, Maryland 21155 233-8505

Address Phone No.

ORDER RECEIVED FOR FILING
Date 12/20/91
By TMK



OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING - 1/2HR. - 1HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER DATE
REVIEWED BY: DATE

ATTACHMENT A **92-201-SPHA**

Petitioner, Stanley Dabkowski, trading as SPRING MEADOW

FARMS, is the Contract Lessee of the property known as 15513

Hanover Pike, Upperco, Maryland 21155 and petitions the Zoning

Commissioner or Deputy Zoning Commissioner for the following

variances:

1. Variance from Section 1A01.3B(3) BCZR to allow for a

68 foot setback from the street center line for the existing

greenhouse shown on the attached site plan in lieu of the

required 75 foot setback.

2. Variance from Section 413.1(c) BCZR to allow an

existing free standing sign to remain containing 46.72 square

feet of area (total both sides) in lieu of the allowable 30

square feet.

Petitioner states the following reasons in support of the

above-listed variances:

1. The Deputy Zoning Commissioner in Case No. 86-300-XA,

Restriction No. 8, required the placement of any future green-

house to be indicated on a revised site plan.

2. Your Petitioner has shown the existing greenhouse on

the site plan attached as part of its Petitions for Special

Hearing and Variance. The greenhouse is attached to the prin-

cipal farmer's market structure.

3. Petitioner would be caused practical difficulty and

undue hardship if required to remove and relocate the greenhouse

due to the cost and labor involved and the extensive electrical,

structural and ventilation work required.

92-201-SPHA

4. The greenhouse in its present location extends the existing sales area and maintains both aesthetically and functionally the continuity of the existing approved sales area with the greenhouse.

5. The Maryland State Highway Administration has an existing right-of-way constraint to the rear of the principal structure thus impeding, if not prohibiting, the relocation of the greenhouse from its present location to the rear of the principal structure.

6. The land immediately to the rear of the main structure slopes approximately 20% and substantial grading work would be required to relocate the greenhouse to this area.

7. South of the principal structure is located Petitioner's paved parking area.

8. The southern corner of the property contains a sewage disposal area as shown on the attached site plan.

9. The existing sign is necessary to identify Petitioner's business to motorists travelling at high speeds on Hanover Pike.

10. Additional reasons will be provided at the hearing. The granting of the requested variances will provide justice to the Petitioner and other property owners in the neighborhood. The relief requested, if granted, maintains the spirit of the Baltimore County Zoning Regulations while observing the security of the public health, safety and welfare of the

community. Strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship to your Petitioner.

Stanley Dabkowski, t/a
Spring Meadow Farms,
Petitioner



Petition for Variance

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 11.1A01.3B.3 to allow a 68 foot setback from the centerline of a street for an existing greenhouse in lieu of the 75 foot setback required. 21 Variances from Section 11.1C to allow an existing freestanding sign to remain containing 46.72 square feet of area (total of both sides) in lieu of the 30 square feet requirement.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

SEE ATTACHMENT A

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Contract Purchaser/Lessee:

STANLEY DABKOWSKI, t/a Spring Meadow Farms

15513 Hanover Pike

Upperco, Maryland 21155

Attorney for Petitioner:

J. Neil Lanzi, Seiland & Jednorzski

25 W. Chesapeake Ave., Ste. 204

Towson, Maryland 21204

Attorney's Telephone No.: 321-8200

ORDER RECEIVED FOR FILING

Date 10/10/91

By [Signature]

LIPPY BROTHERS, INC.

334 Lees Mill Road

Hampstead, Md. 21074

c/o Donald E. Lippy

334 Lees Mill Road

Hampstead, Md. 21074

Name t/a Spring Meadow Farms

15513 Hanover Pike, Upperco, Md. 21155

Address Phone No. 239-8505

ESTIMATED LENGTH OF HEARING - 1/2HR. +1HR.

AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS

ALL OTHER DATE

REVIEWED BY: DATE

92-201-SPHA

4. To allow a freestanding sign to remain as shown on the attached site plan and subject to Petitioner's variance request. The existing sign contains 46.72 square feet (both sides) in lieu of Special Exception Restriction No. 9, Case No. 86-300-XA which limited the sign to a total of 30 square feet.

5. To approve Petitioner's complimentary farm sleigh/hay rides for customers and visitors.

6. To approve the attached site plan amending the previous site plan approved in Case No. 86-300-XA.

Petitioner requests approval of the above listed special hearing items for the following reasons:

A. Petitioner's property, despite being located along the heavily travelled Hanover Pike, is within the agricultural zone established by the Baltimore County Council.

B. Petitioner was granted approval of the special exception allowing a farmer's co-op roadside stand by the Deputy Zoning Commissioner of Baltimore County on April 18, 1986. The existing agricultural use of the property was maintained by this Order and has been maintained by Petitioner.

C. The Baltimore County Council has determined that the agricultural industry is an integral part of the Baltimore County economy and that the purpose of the RC-2 zone is to "...foster conditions favorable to a continued agricultural use of the productive agricultural areas of Baltimore County..." (BCZR 1A01).

D. Petitioner has operated Spring Meadow Farms Market very successfully over the past several years to Petitioner's benefit but also to the benefit of the surrounding community.

E. The special hearing requests, if approved, would rightfully allow your Petitioner to continue the natural controlled growth of the successful and popular Spring Meadow Farms Market.

F. The purposes, spirit and intent of the BCZR warrant the approval of the special hearing request.

G. Petitioner's improvements are compatible with the character of the surrounding area and will not cause any detrimental effect to the public health, safety or general welfare of the community.

Stanley Dabkowski, t/a
Spring Meadow Farms,
Petitioner



HICKS ENGINEERING COMPANY, INC.
200 East Joppa Road, Suite 402
Towson, MD 21204 • (410) 424-0001

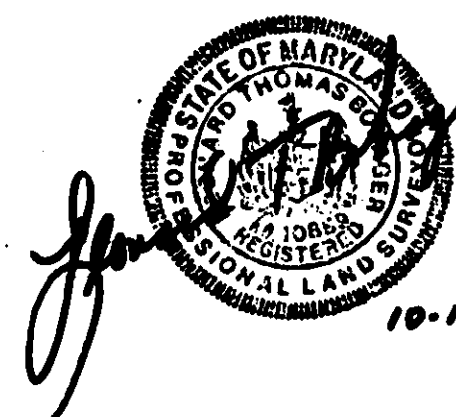
DESCRIPTION TO ACCOMPANY
ZONING VARIANCE & SPECIAL HEARING
TO AMEND PREVIOUS ZONING CASE
NO. 86-300XA GRANTED 4-18-86

Beginning for the same in the center of Hanover Pike, Maryland Route 30, 66 feet wide at a point located 1080 feet south of the centerline of Fringer Road, where said centerline intersects the centerline of Hanover Pike and running thence, leaving said Hanover Pike and binding on the original tract boundary lines of that land owned by Lippy Brothers, Inc. and recorded among the Land Records of Baltimore County in Liber R.R.O. 4479 Folio 204, with all courses referred to the meridian of said tract of land as surveyed and laid out according to a survey prepared by H. S. Norfoot, dated May 1952;

North 82 degrees 31 minutes East 234.1 feet,

North 79 degrees 31 minutes East 219.0 feet,

thence leaving said tract lines and running for a new line of division created for leasing purposes and along the west side of the Western Maryland Railroad Right of Way, South 12 degrees 05 minutes 57 seconds East 635.17 feet to intersect the original tract boundary, thence binding there on South 61 degrees 14 minutes West 583.8 feet to the center of the said Hanover Pike, 66 feet wide, and running thence in the bed of said Road and for new lines of division created for leasing purposes, North 10 degrees 46 minutes 00 seconds West 420.00 feet, North 01 degrees 18 minutes 50 seconds East 419.18 feet to the place of beginning. Containing 8.7968 acres of land more or less.



Civil Engineers • Surveyors • Land Planners

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 11-23-91

Posted for: Special Hearing 11/23/91

Petitioner: Stanley Dabkowski, t/a Spring Meadow Farms, Inc.

Location of property: 15513 Hanover Pike, Upperco, Md. 21155

Location of Sign: On front of property at 15513 Hanover Pike

Remarks: [Signature]

Posted by: [Signature] Date of return: 11-23-91

Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD. Nov 25, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov 21, 19 91.

THE JEFFERSONIAN,

S. Zeke Orlean
Publisher

58.45

The Zoning Commission of Baltimore County, by authority of the Board of Commissioners, has received and considered the petition for a Variance from Section 11.1A01.3B.3 to allow a 68 foot setback from the centerline of a street for an existing greenhouse in lieu of the 75 foot setback required. 21 Variances from Section 11.1C to allow an existing freestanding sign to remain containing 46.72 square feet of area (total of both sides) in lieu of the 30 square feet requirement.

Lippay Brothers, Inc.
334 Lees Mill Road
Hampstead, Md. 21074
Phone No. 239-8505

CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov. 22, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov. 21

OWINGS MILLS TIMES,

Publisher

11-22-88-44

receipt

Account: R 001-6150
Number

Please Make Checks Payable To: Baltimore County \$178.45
SA 0011124M12-00-91

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

COPY

DATE: 11-26-91

Stanley Jablon, individually and t/a Spring Meadow Farms
15513 Hanover Pike
Uppero, Maryland 21155

RE:
CASE NUMBER: 92-201-SPHA
S/S Hanover Pike, 1080' S of c/l Forgan Road
15513 Hanover Pike
4th Election District - 3rd Councilmanic
Legal Owner(s): Lippy Brothers, Inc.
Contract Purchaser(s): Stanley Dabkowski, t/a Spring Meadow Farms

Dear Petitioner(s):

Please be advised that \$ 138.45 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 115, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Arnold Jablon

ARNOLD JABLON
DIRECTOR

cc: J. Neil Lanzl, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

COPY

4 NOVEMBER 18, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-201-SPHA
S/S Hanover Pike, 1080' S of c/l Forgan Road
15513 Hanover Pike
4th Election District - 3rd Councilmanic
Legal Owner(s): Lippy Brothers, Inc.
Contract Purchaser(s): Stanley Dabkowski, t/a Spring Meadow Farms
HEARING: TUESDAY, DECEMBER 10, 1991 at 10:30 a.m.

Special Hearing to amend the special exception granted April 18, 1986 in Case No. 86-300-2A (as specifically stated in Attachment A).
Variation: to allow a 68 foot setback from the centerline of a street for an existing greenhouse in lieu of the 75 foot setback required, and to allow an existing free-standing sign to remain containing 46.72 square feet of area (total of both sides) in lieu of the 30 square feet requirement.

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Lippy Brothers, Inc.
Stanley Dabkowski
J. Neil Lanzl, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

November 22, 1991

J. Neil Lanzl, Esquire
Seiland & Jednoraki
25 W. Chesapeake Avenue
Towson, MD 21204

RE: Item No. 205, Case No. 92-201-SPHA
Petitioner: Lippy Brothers, et al
Petition for Special Hearing

Dear Mr. Lanzl:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments
Date: November 22, 1991
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Donald E. Lippy
Mr. Stanley Dabkowski

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
8th day of November, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Lippy Brothers, Inc.
Petitioner's Attorney: J. Neil Lanzl

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: November 20, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: November 5, 1991

This office has no comments for item numbers 201, 203, 204, 205, 206, 207, 208 and 211.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

NOVEMBER 20, 1991

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: LIPPY BROTHERS, INC.
Location: #15513 HANOVER PIKE
Item No.: 205 Zoning Agenda: NOVEMBER 5, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *James E. Dyer* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: November 13, 1991
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
For November 5, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 201, 203, 204, 205, 206, 207, 208, and 209.

For Item 211, the lot dimensions shown on the plat do not agree with Plat Book 14, Folio 11.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

Dec 10 92-201-SPHA

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: November 27, 1991
Zoning Administration and Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Lippy Bros./Dabkowski, Item No. 205

In reference to the Petitioner's request, staff offers no comments:

*The applicant's site is located within the Hanover Pike Corridor Study area.

*No CRG hearing or waiver would be required for the proposed use.

This use has been an asset to the residential and, in particular, the agricultural community. The use of the property is generally designed well in its capacity as a farmer's cooperative. Therefore, staff recommends the petitioner's request be granted provided that its purpose remain one whose focus is serving primarily the agricultural community.

Should the applicant's request be granted, staff recommends that a designated display area should be provided to allow for a landscape buffer area between the Hanover Pike and display area. Any such plan to accomplish this should be submitted to the deputy director of the Office of Planning and Zoning. The approved plan shall be forwarded to the Zoning Office to be maintained in the official file.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn
ITEM205/TXTROZ



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

January 8, 1992

Mr. Arnold Jablon, Director
Zoning Administration
and Development Management
County Office Building
Towson, Maryland 21204

Re: Baltimore County
Zoning Meeting of 11-5-91
9423 Belair Road
E/S Belair Road (MD 1-S)
829' East of Darnall Road
(Item #209)

Attn: Mr. James Dyer

Dear Mr. Dyer:

We have received the variance to permit a double faced illuminated free standing sign with 48 square feet total face in lieu of 8 square feet non-illuminated wall mounted sign and have the following comment.

We have forwarded this plan to our Highway Beautification Section, c/o Mr. George Dawson at 333-1642 for all comments relative to zoning.

If we can be of further assistance, please contact Larry Brocato of this office at 333-1350.

Very truly yours,

John Conestabile
John Conestabile, Chief
Engineering Access Permits
Division

LB:maw

cc: Mr. George Dawson (w-enclosure)
J.S. Dallas, Inc.
Mr. J. Ogle

RECEIVED
JAN 13 1992
ZONING OFFICE

My telephone number is 301-333-1350 (Fax# 333-1041)

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

HICKS ENGINEERING COMPANY, INC.
200 East Joppa Road, Suite 402
Towson, MD 21204 • (410) 284-0001

92-201-SPHA

TO: DACTO Co.
ZONING DEPT

DATE: OCT 14, 1991

JOB NO.
RE: SP-24 MEADOWS FARM, MD
HANOVER PIKE, SPECIAL USE
PERMITS

ATTN: JOHN ALEXANDER

WE ARE FORWARDING THE FOLLOWING ITEMS ☐ ATTACHED: ☐ UNDER SEPARATE COVER:

☐ TRACINGS ☐ PRINTS ☐ COMPUTATIONS ☐ DESCRIPTIONS ☐ SPECIFICATIONS

☐ APPLICATIONS ☐ COPY OF LETTER ☐

VIA: ☐ MAIL ☐ INSURED ☐ BY HAND ☐ MESSENGER ☐ PICK UP

COPIES	DATE OR NO.	DESCRIPTIONS
12		RECEIVING PERMIT

THESE ARE TRANSMITTED AS CHECKED BELOW:

☐ FOR APPROVAL ☐ AS APPROVED BY _____
☐ FOR REVIEW ☐ AS SUBMITTED FOR APPROVAL TO _____
☐ FOR YOUR USE ☐
☐ AS REQUESTED BY _____ ☐ PLEASE RETURN AFTER USING

REMARKS: Revised parking as requested. Please replace
previous submitted plat with these.

IF ENCLOSURES ARE NOT AS NOTED, KINDLY NOTIFY THE UNDERSIGNED.

CC: _____ SIGNED: *Lenard Thayer*

ENGINEERS • SURVEYORS • PLANNERS

Petitioner's
EXHIBIT(S) SIGN-IN SHEET

NAME ADDRESS
STAN DABKOWSKI 201 S. Hanover Rd
Hampstead Maryland 21074

LEONARD T. BOHAGER, L.S. 200 E. Joppa Rd
HICKS ENGINEERING CO. INC. TOWSON MD 21204
PHONE 444-0001

R. C. 2

92-201-SPHA

R. C. 2

2

R. C. 2

R. C. 2

SITE

R. C. 2

BM

SCALE	LOCATION	SHEET
1" = 200'	FOWBLESBURG	N. W.
DATE OF PHOTOGRAPHY JANUARY 1986		23-K 6 24-M



HANOVER ROAD ASSOCIATION INC.
P.O. BOX 70
BORING, MD 21020

December 9, 1991

Mr. Stanley Dabrowski
Springmeadow Farm
Rt #30
Upperco, Maryland 21055

Dear Stan:

Our Association wants to go on record to say that we have no objection to your Springmeadow Farm location as it now stands. We are aware that you would like to build a building to use for sale of homemade ice cream, and we are in agreement with that.

Our initial concern in writing to planning and Zoning was to make sure that your operation did not grow to such an extent as to be out of conformity with zoning that would cause traffic congestion on Route #30 (Hanover Pike) such as the growth of Valley View on Falls Road.

As far as the sign is concerned, it is not objectionable as it now stands and was never a concern to us.

The only request we do have is to be notified of any additional changes in advance.

We are neighbors and do business with you at Springmeadow and wish to keep it that way. We are not anxious to cause any problems but to avoid them.

Sincerely,

Pat Campbell
HANOVER ROAD ASSOCIATION, INC.
Pat Campbell, President

PLANNING DEPT
EXHIBIT 3

TO WHOM IT MAY CONCERN:

December 9, 1991

My wife and I (Harry and Elizabeth Shay) live just across the road from Spring Meadow Farms at 15520 Hanover Rd, Upperco, Maryland 21155.

We feel that Spring Meadow Farms has become an asset to our community. It is hard to believe that anyone would have a complaint. People come to visit from as far as Columbia, Maryland and other places and inquire where we get such nice fresh produce such as berries, green beans, corn, tomatoes and fruits right from the farm. They all become instant customers.

One of the nicest things that Stanley has originated during the summer and autumn months is a petting zoo with farm animals for the children. He also has engaged a local farmer to bring his horses and wagon so that the children may have a hayride around the farm. He has a haystack at the end of the ride that the children can jump and play.

It is not unusual to pass the farm and see a school bus in the parking lot and children playing in the hay and with the animals and learning about agriculture with hands on experience in the fresh air.

One example, is my granddaughter now four, from the time she has been able to walk, she has always wanted to go to "Stan's" to see the animals, and pumpkins and vegetables and play in the hay.

We consider Spring Meadow Farms and Mr. Dabkowski, a very good neighbor.

Sincerely,
Harry L. Shay
Harry L. Shay

tmr

PETITIONER'S
EXHIBIT 4

Deer Park Elementary School

9809 Lyons Mill Road, Owings Mills, MD 21117

October 10, 1991

Spring Meadow Farm
15513 Hanover Pike
Imperial, Maryland
21125

Dear Mr. Dabrowski:

Just a short note to express my appreciation on behalf of the students and teachers of our kindergarten at Deer Park Elementary School. The kindergarten students had the highlight of their short educational career last week when they visited with you. Your "classroom session" focusing on the fall season and your "friendly farm animals" was great. Miss Judy was an absolute delight and enjoyed by all.

Needless to say, our first grade teachers are anxiously awaiting their visit. As for the spring, your focus on the greenhouse and horticulture will "tie-in" nicely with our first grade science unit dealing with plants.

Finally, I will be stopping by next week to pick-up some pumpkins for our annual pumpkin decorating contest. I gave Dave a picture of last year's contest several weeks ago. Thanks again for the wonderful contributions you and the folks at Spring Meadow Farm are making to our children's education.

Sincerely,

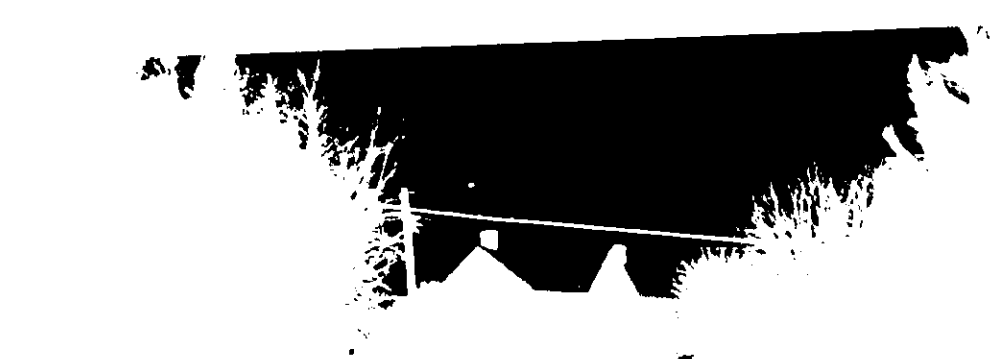
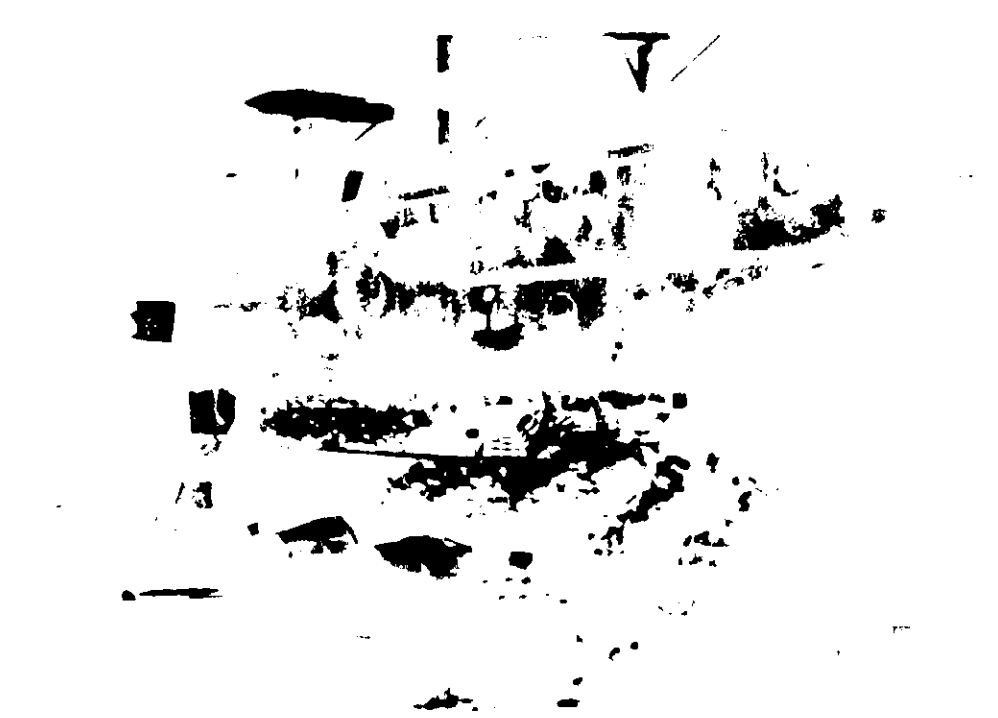
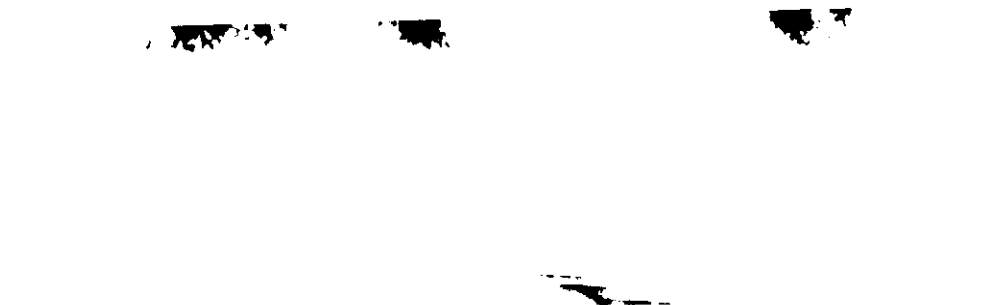
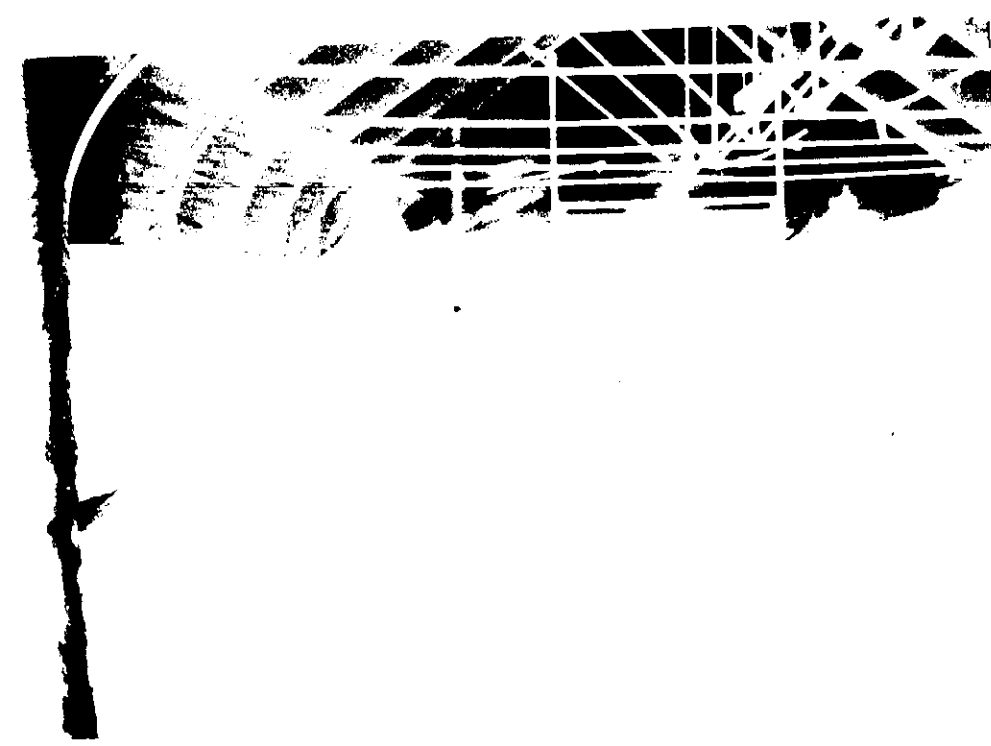
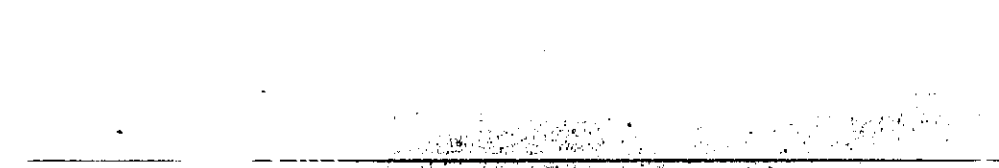
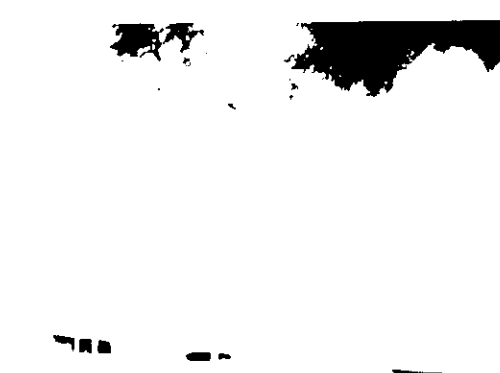
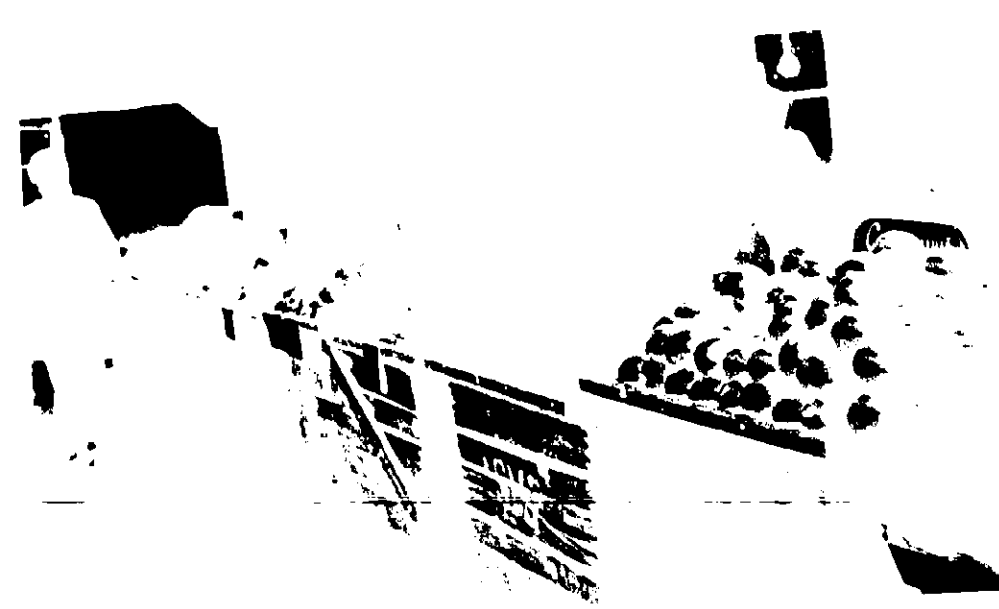
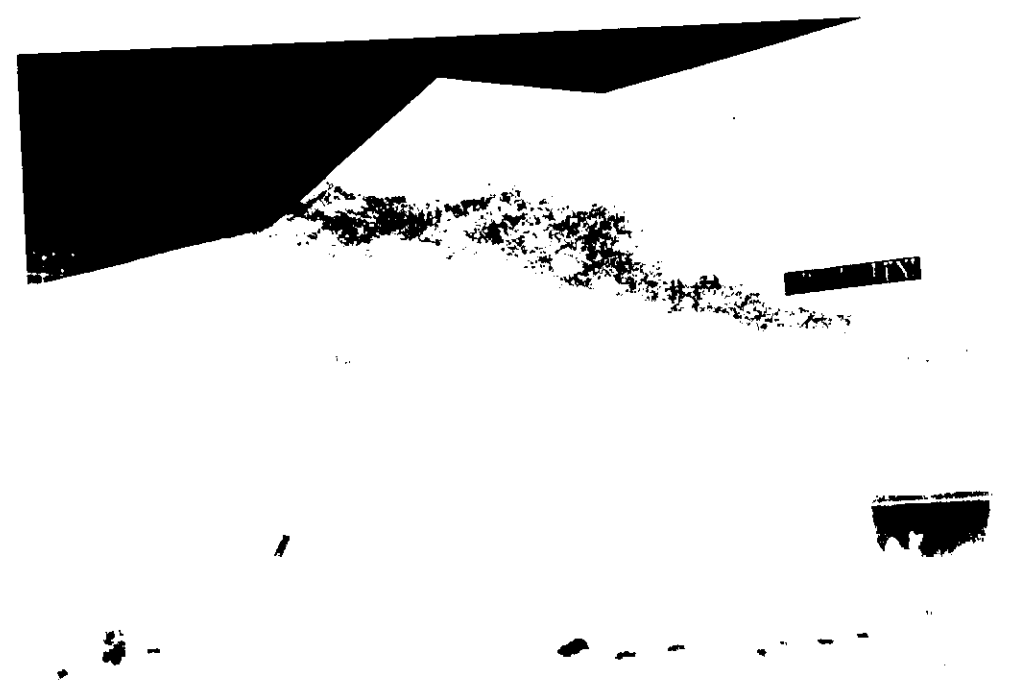
David M. Fry,
Principal

David M. Fry
DMF:rst

FRANKLIN'S
EXHIBIT 6

Peterson's
Exhibits
2A-20
e
5

Photographs
92-201-SPNA



VARIANCE REQUESTS

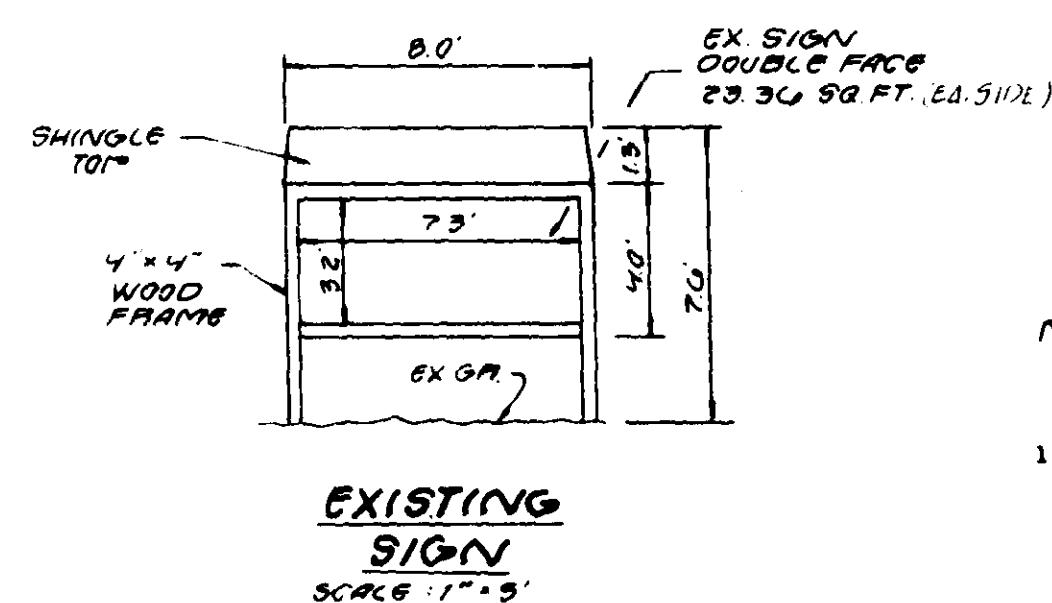
1. TO ALLOW A 68 FOOT SETBACK FROM THE CENTERLINE OF A STREET FOR AN EXISTING GREENHOUSE IN LIEU OF THE 75 FOOT SETBACK REQUIRED IN SECTION 1A01.3 B.3.
2. TO ALLOW AN EXISTING FREESTANDING SIGN TO REMAIN CONTAINING 46.72 SQUARE FEET OF AREA (TOTAL OF BOTH SIDES) IN LIEU OF THE 30 SQUARE FEET REQUIREMENT AS STATED IN SECTION 413.1C

AMENDMENT TO SPECIAL EXCEPTION GRANTED APRIL 18, 1986 CASE NO. 86-300-XA

Petitioner is requesting a special hearing to amend the special exception granted April 18, 1986, in Case No. 86-300-XA.

Specifically, your Petitioner requests the zoning Commissioner or Deputy Zoning Commissioner to approve the following amendments:

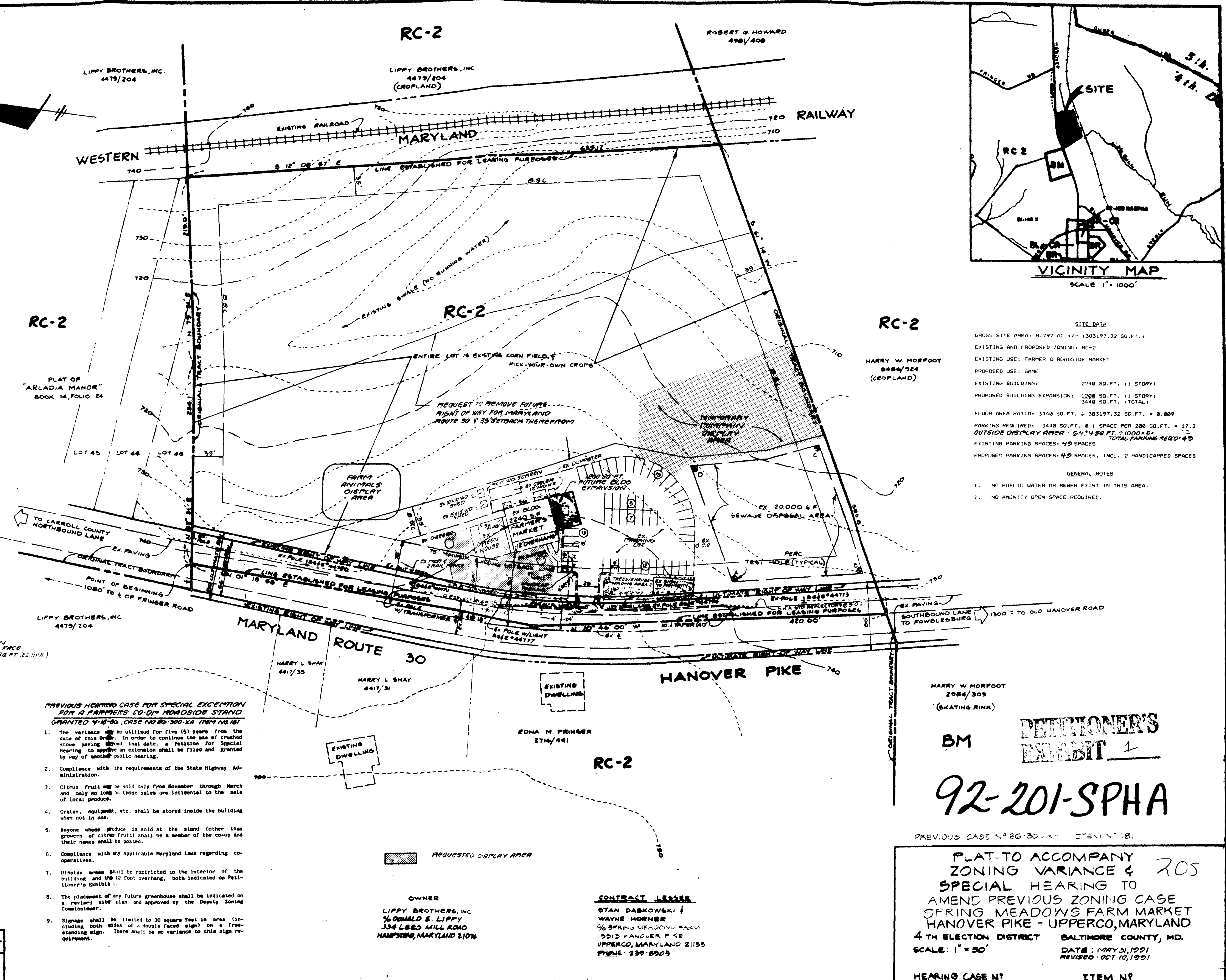
1. To allow the sale of citrus fruit, local and non-local produce year round in lieu of Special Exception Restriction No. 1, Case No. 86-300-XA which limited the sale of local produce and citrus fruit from November through March.
2. To allow additional exterior display areas in front of the front building setback line and behind the existing right-of-way line in lieu of Special Exception Restriction No. 7, Case No. 86-300-XA which limited display areas to the interior of the building and the 12 foot overhang.
3. To allow the existing greenhouse to remain as shown on the attached site plan subject to the granting of the requested variance and in accordance with Case No. 86-300-XA, Restriction No. 8.
4. To allow a freestanding sign to remain as shown on the attached site plan and subject to Petitioner's variance request. The existing sign contains 46.72 square feet (both sides) in lieu of Special Exception Restriction No. 9, Case No. 86-300-XA which limited the sign to a total of 30 square feet.
5. To approve Petitioner's complimentary farm sleigh/hay rides for customers and visitors.
6. To approve the attached site plan amending the previous site plan approved in Case No. 86-300-XA.



PREVIOUS HEARING CASE FOR SPECIAL EXCEPTION FOR A FARMERS CO-OP ROADSIDE STAND GRANTED 4-18-86, CASE NO. 86-300-XA (ITEM NO. 181)

1. The variance may be utilized for five (5) years from the date of this Order. In order to continue the use of crushed stone paving beyond that date, a Petition for Special Hearing to approve an extension shall be filed and granted by way of another public hearing.
2. Compliance with the requirements of the State Highway Administration.
3. Citrus fruit may be sold only from November through March and only so long as those sales are incidental to the sale of local produce.
4. Crates, equipment, etc. shall be stored inside the building when not in use.
5. Anyone whose produce is sold at the stand (other than growers of citrus fruit) shall be a member of the co-op and their names shall be posted.
6. Compliance with any applicable Maryland laws regarding co-operatives.
7. Display areas shall be restricted to the interior of the building and the 12 foot overhang, both indicated on Petitioner's Exhibit 1.
8. The placement of any future greenhouse shall be indicated on a revised site plan and approved by the Deputy Zoning Commissioner.
9. Signage shall be limited to 30 square feet in area (including both sides of a double faced sign) on a freestanding sign. There shall be no variance to this sign requirement.

HICKS ENGINEERING COMPANY, INC.
ENGINEERS SURVEYORS PLANNERS
200 EAST JOPPA ROAD SUITE 402
TOWSON, MARYLAND 21204 PH. (301) 494-0001



SITE DATA
GROSS SITE AREA: 8.797 AC. +/- (383197.32 SQ. FT.)
EXISTING AND PROPOSED ZONING: RC-2
EXISTING USE: FARMER'S ROADSIDE MARKET
PROPOSED USE: SAME
EXISTING BUILDING: 2248 SQ. FT. (1 STORY)
PROPOSED BUILDING EXPANSION: 1200 SQ. FT. (1 STORY)
3448 SQ. FT. (TOTAL)
FLOOR AREA RATIO: 3448 SQ. FT. ÷ 383197.32 SQ. FT. = 0.009
PARKING REQUIRED: 3448 SQ. FT. @ 1 SPACE PER 200 SQ. FT. = 17.2
OUTSIDE DISPLAY AREA: 6434 SQ. FT. ÷ 1000 = 6.4
EXISTING PARKING SPACES: 49 SPACES
PROPOSED PARKING SPACES: 49 SPACES, INCL. 2 HANDICAPPED SPACES

GENERAL NOTES

1. NO PUBLIC WATER OR SEWER EXIST IN THIS AREA.
2. NO AMENITY OPEN SPACE REQUIRED.

HARRY W. MORFOOT
2954/303
(SKATING RINK)

BM

PETITIONER'S EXHIBIT 1

92-201-SPHA

PREVIOUS CASE NO. 86-300-XA ITEM NO. 181

PLAT TO ACCOMPANY ZONING VARIANCE & 205 SPECIAL HEARING TO AMEND PREVIOUS ZONING CASE SPRING MEADOWS FARM MARKET HANOVER PIKE - UPPERCO, MARYLAND
4TH ELECTION DISTRICT BALTIMORE COUNTY, MD.
SCALE: 1" = 30'
DATE: MAY 3, 1991
REVISED: OCT. 10, 1991
HEARING CASE NO. ITEM NO.

111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management



May 10, 1995

Mr. Stan Dabkowski
Spring Meadow Farms
5513 Hanover Pike
Upperco, MD 21155

RE: Zoning Verification
5513 Hanover Pike
Zoning Case 92-201-SPHA
4th Election District

Dear Mr. Dabkowski:

Please be advised that the construction of a 20 by 14 foot open-pit beef stand, as shown on your submitted site plan, is within the spirit and intent of zoning case 92-201-SPHA. This approval is based upon that the above-referenced zoning case permitted a 1,200 square foot addition and since the date of the zoning order, the existing building along with the pit beef stand will comprise 761 square feet of the allowed 1,200 square feet.

As determined within the intent of the zoning case, the building is still subject to the development regulations and any decision(s) or restriction(s) the Development Review Committee imposes on this site.

If you need further assistance, please do not hesitate to contact me at 887-3391.

Sincerely,

M. J. Kellman
Mitchell J. Kellman
Planner II

MJK/alm

Printed with Soy-based ink
on Recycled Paper

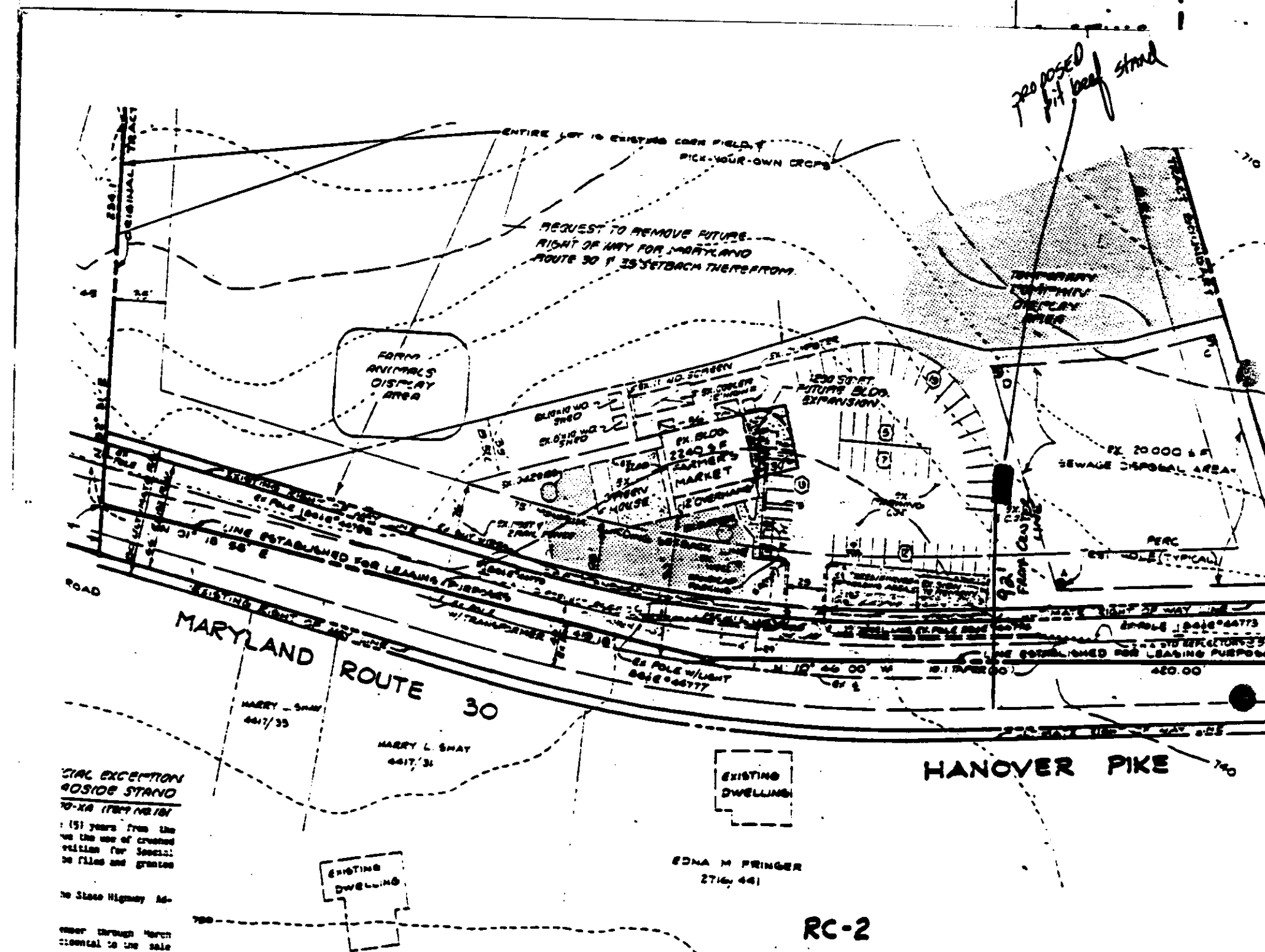
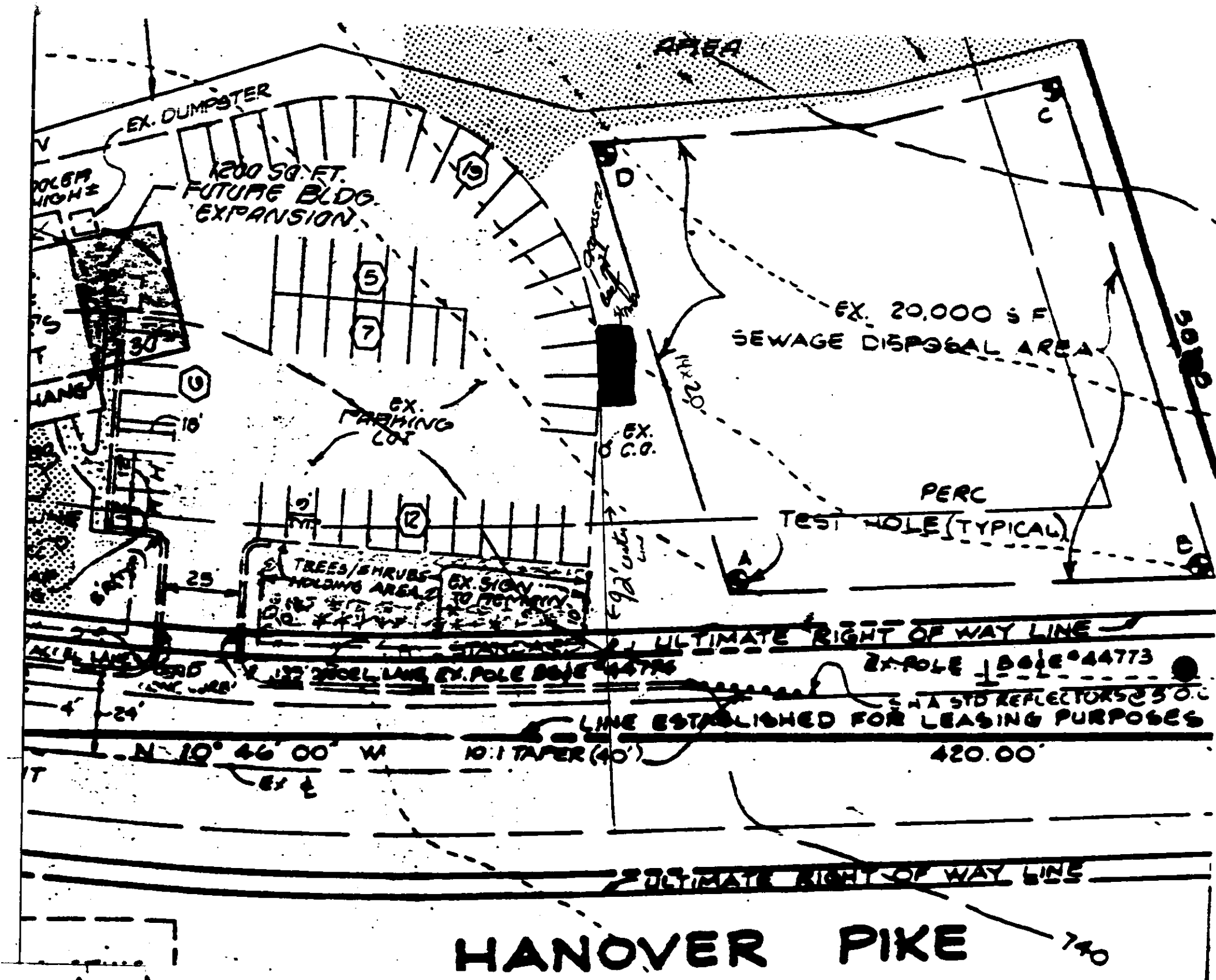
*Zoning file
92-201*

(410) 887-3353

Dear Sirs, I am planning and requesting permission to construct a open pit beef stand building on my property located on Rt 30 Hanover Pike known as Spring Meadow Farms in Upperco. I have contacted the health department and acquired permission and regulations I must go by during construction and every day operations. The building will measure 20 by 14 and will be constructed to conform with our rural surrounding area and our country classic look. I feel that the changes being made are in the spirit and intent of our zoning case and I assure you that it will be a very positive and acceptable addition to our community.

Thanks
Stan Dabkowski
owner/manager
Spring Meadow Farms
239-8505

RECEIVED
MAY 2 1995
ZADM



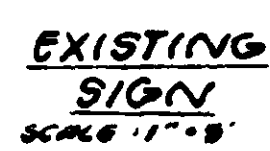
RC-2

1. TO ALLOW A 68 FOOT SETBACK FROM THE CENTERLINE OF A STREET FOR AN EXISTING GREENHOUSE IN LIEU OF THE 75 FOOT SETBACK REQUIRED IN SECTION 1A01.3 B.3.
2. TO ALLOW AN EXISTING FREESTANDING SIGN TO REMAIN CONTAINING 46.72 SQUARE FEET OF AREA (TOTAL OF BOTH SIDES) IN LIEU OF THE 30 SQUARE FEET REQUIREMENT AS STATED IN SECTION 413.10

Petitioner is requesting a special hearing to amend the special exception granted April 18, 1946, in Case No. 86-100-XA.

Specifically, your Petitioner requests the Zoning Commissioner or Deputy Zoning Commissioner to approve the following amendments:

2. To allow the sale of citrus fruit, local and non-local produce year round in line of Special Exception Restriction No. 7, Case No. 86-100-2A which limited the sale of local produce and citrus fruit from November through March.
3. To allow additional exterior display areas in front of the front building setback line and behind the existing right-of-way line in line of Special Exception Restriction No. 7, Case No. 86-100-2A which limited display areas to the interior of the building and the 12 foot overhang.
4. To allow the existing greenhouse to remain as shown on the attached site plan subject to the granting of the requested variance and in accordance with Case No. 86-100-2A, Restriction No. 8.
5. To allow a freestanding sign to remain as shown on the attached site plan and subject to Petitioner's variance request. The existing sign contains 46.72 square feet (both sides) in line of Special Exception Restriction No. 9, Case No. 86-100-2A which limited the sign to a total of 30 square feet.
6. To approve Petitioner's complimentary rear sleigh/flags for customers and visitors.
7. To approve the attached site plan amending the previous site plan approved in Case No. 86-100-2A.



LATENT FINGERPRINT CASE 92-391-SP1A

[illegible][illegible]

1. The undersigned hereby certifies that provisions of this Order shall be in full force and effect as the 30-day appeal period shall be in effect. If, for whatever reason, this Order is reversed, the Plaintiff(s) would be required to return, and be responsible for returning, said document(s) to its original condition.

23. All storage containers used by the Petitioners shall be stored off-site throughout in accordance with the following:

The Petitioners shall be stored inside when not in use.

PLAT OF
"ARCADIA MANOR"
BOOK 14, FOLIO 24

LIPPY BROTHERS, INC
4479/204

PREVIOUS HEARING CASE FOR SPECIAL EXCEPTION
FOR A FARMERS CO-OP ROADSIDE STAND
GRANTED 4-18-86, CASE NO 86-300-XA (ITEM NO 181)

1. The variance may be utilized for five (5) years from the date of this Order. In order to continue the use of crushed stone paving beyond this date, a Petition for a Final Order to Vary must be filed with the Planning Board. Failure to do so will require an extension shall be filed and granted by way of another public hearing.
2. Compliance with the requirements of the State Highway Administration.
3. Citrus Fruit may be sold only from November through March and only so long as those sales are incidental to the sale of local produce.
4. Crates, equipment, etc. shall be stored inside the building when not in use.
5. Anyone whose produce is sold at the stand (other than growers of citrus fruit) shall be a member of the group and their names shall be posted.
6. Compliance with any applicable Maryland laws regarding cooperatives.
7. Display areas shall be restricted to the interior of the building and the 12 foot overhang, both indicated on Petitioner's Exhibit 1.
8. The placement of any future greenhouse shall be indicated on a revised site plan and approved by the Deputy Zoning Code Officer.
9. Signs shall be limited to 30 square feet in area (including both sides of a double faced sign) on a free-standing sign. There shall be no variance to this sign requirement.

LIPPY BROTHERS, INC
4479/204
(CROPLAND)

ROBERT G HOWARD
4281/408

MARYLAND

RAILWAY

RC-2

RC-2

HARRY W MORFOOT
5456/724
(COPLAND)

DATE: 01/11/2011

EXISTING USE: FARMER'S HONDSIDE MARKET

PROPOSED USL: SAME

EXISTING BUILDING: 2240 SQ.FT. (1 STORY)

PROPOSED BUILDING EXPANSION: 1200 SQ.FT. (1 STORY)
3443 SQ.FT. (TOTAL)

FLOOR AREA RATIO: 3443 SQ.FT. ÷ 383197.32 SQ.FT. = 0.009

OUTSIDE DISPLAY AREA: $6434 \text{ SQ. FT.} + 1000 \times 5 = 32$
TOTAL PARKING REQ'D 249

EXISTING PARKING SPACES: 53 SPACES
PROPOSED PARKING SPACES: 53 SPACES, INCL. 2 HANDICAPPED SPACES

GENERAL NOTICE

2. NO PUBLIC WATER OR SEWER EXIST IN THIS AREA.

2. NO IDENTITY OPEN SPACE REQUIRED.

ADDITIONS

ICE CREAM BLDG. = 481 0

PIT BEEF = 280 lb

TOTAL = 761

LESS THAN 1200 IN ADDITION SHOWN ON

CC-301-58NA PLAN

92-201-SPHA PLAN.

HARRY W. MORFOOT
2954/309
(SKATING RINK)

BM

PREVIOUS CASE N^o 86-300 XA & 92-201-SPHA

PLAT TO ACCOMPANY
ZONING VARIANCE &
SPECIAL HEARING TO
AMEND PREVIOUS ZONING CASE
SPRING MEADOWS FARM MARKET
HANOVER PIKE - UPPERCO, MARYLAND
4TH ELECTION DISTRICT - BALTIMORE COUNTY, MD

4TH ELECTION DISTRICT
SCALE: 1" = 50'
DATE: MAY 31, 1977
REVISED: OCT. 10, 1977

HEARING CASE NO. _____ ITEM NO. _____

HEARING CASE NO	ITEM NO
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